



MINUTES
FEBRUARY 20, 2008

Dainius Virbickas said the soils are suitable for septic system on all of the lots. The proposed road is 240 ft. in length at a 2.4% grade and the driveways will be at a gentle grade. He said

they have designed and underground detention system to maintain the storm flows; and each lot will have an individual well since City water is not available. He then said they have received comments and are working on revised plans in response to them.

Mrs. Emminger asked Mr. Fagan to go through the alternate plan that he submitted without the accessways giving each lot street frontage. He explained that this is not their choice but they have to provide this in order to ask for what they want. He explained that with the alternate plan, lots one & two would be required to go to EIC for a Regulated Activity approval. It also provides for some oddly configured lots. He reiterated that this alternate plan is just something they have to provide to show it could also be done that way. Then he said they would go back to looking at the plan they are using with accessways off of the road to lots two & three. He added that although it is not required, the rear of parcel will be used for open space. Mrs. Emminger said the Department doesn't have a problem with the use of the accessways as proposed. She added that the Commission needs to let the applicant know if they have a problem with this plan versus the alternate one. Chairman Finaldi asked the Commission members if they were ready to make that decision and they all agreed that the primary plan is the better plan. Mr. Keller asked if the existing buffer would remain. Mr. Fagan and Mr. Virbickas said it is a tall buffer with not much undergrowth, but they do intend to keep it in place.

Chairman Finaldi asked if there was anyone to speak in opposition to this application.

Richard Chiarella, 118 Clapboard Ridge Rd., said his property borders this site. He asked what the minimum lot area is to build a house in this area. Chairman Finaldi said this area is zoned RA-40, which is considered one acre zoning. Mr. Chiarella said that is okay, his concern was that he would have to look at a big monstrous house.

Yoram Sussman, 18 Sturdevant Dr., said he had read through the Subdivision Regulations and he had thought they had to have ten acres for a subdivision with open space. Mrs. Emminger said that because this parcel is less than ten acres, they are not required to provide open space. She further explained that the Subdivision Regulations state for a proposed subdivision in the RA-40 zone, consisting of more than ten acres, there is a 10% open space requirement. He then asked about the drainage. Mr. Virbickas said the water from this property does not flow to Sturdevant Dr., it flows to the east from Sturdevant Dr., and that was taken into account when the drainage was designed.

Anthony Lucera then said these houses will be similar to the ones in Hidden Glen or Butler Ridge, which will fit in with the character of the area.

7:40 PM – Danbury 6 Associates, LLC – Application for Special Exception for Gas Station & Convenience Store ("Alliance Energy") in the CA-80 Zone – 115 Mill Plain Rd. (#C17040) – SE #667.

Mr. Keller read the legal notice. Chairman Finaldi said the Staff Report for this was distributed at the beginning of tonight's meeting.

Attorney Neil Marcus described the site and what is currently located on it. Alliance Energy owns the gas station in the front. That site is contaminated, actually the whole site was contaminated due to its previous use a truck stop. They are proposing to build new gas station/convenience store on the abutting property that presently is part of the shopping center. They would then put parking for the shopping center on the lot where the gas station was. They will do a land swap but they need to get this approved first. Exchange. He said this project has been four years in the making. Since the Public Water Supply Watershed regulations do not allow gas stations in this area, they had to amend the Zoning Regulations so as not to lose their non-conformity. He explained that he had worked with the Planning Director and the Environmental Coordinator to amend the Regulations for this specific site remediation. He said he still needs to file a separate application for the new parking lot; it has to be separate from this one because DOT needs to approve the curb cuts and the remediation plan has to be approved by Danbury Health Dept.

John Pugliesi, PE, said as far as area goes, this is an equal swap. He said he will make the modifications requested in the Planning Department Staff Report. Mr. Keller asked if the new curb cuts will be across from any others. Mr. Pugliesi said no, the 69 parking spaces that are being lost will be recreated on the former gas station parcel. Drainage for the parking lot will be connected to the existing drainage for the shopping center and drainage for the gas station will be directed out to roadway as it is on the existing site. Chairman Finaldi asked if they had a rendering of what the site will look like once the swap is done. Attorney Marcus said they do but it also shows an addition to Trader Joes which will be part of another application. Mr. Keller asked if the existing pylon sign will be relocated. Mr. Urice asked if this will affect the shopping center being in compliance with Zoning. Mrs. Emminger said that issue already came up and is under review right now. She explained that they are asking for permission to operate with less than the required amount of parking while the construction is being done. She said Attorney Marcus said they will bring in evidence showing that even during their busiest season they don't have a parking problem. Mr. Urice asked how they can approve this when they are not looking at the site plan for the new parking lot. Attorney Marcus said Mrs. Emminger has already discussed this with him and it is mentioned in her Staff Report that these must be addressed concurrently. He continued saying that the plan is to continue this hearing until he can get the other application in and scheduled for public hearing, and then they can look at both at the same time. In closing, he said that this swap will alleviate an enormous inconvenience problem for the gas station because at its current location, the curb cuts for the gas station are blocked by the traffic light.

Chairman Finaldi asked if there was anyone to speak in opposition and there was no one.

Mrs. Emminger said Attorney Marcus had submitted a letter from Alliance Energy regarding the agreement between the two parties (designated Exhibit A). She said we are still waiting for reports from the Fire Marshal, Health, Engineering, the Traffic Engineer and the Traffic Authority. Mr. Urice asked if the City traffic engineer would look favorably upon this since it will be better for traffic flow. Mrs. Emminger said the applicant has requested to waive the requirement for a traffic study, but that is up to Mr. Mohammed. She said there will be a reduction in the size of the gas station due to the addition of a convenience store. Mr. Manuel asked if there will be the same number of pumps. Attorney Marcus said yes, they presently have six and that will remain the same. Mr. Keller made a motion to continue the public hearing. Mr. Deeb seconded the motion and it was passed unanimously.

CPCI, LLC – Application for Special Exceptions (1) to allow a Gasoline Station in the CG-20 Zone & (2) to allow a use (Grocery Store) generating in excess of 500 vehicle trips per day –, 27-29 & 31 Tamarack Rd. a.k.a. Ave. (#I10042 & #I10043) – SE #662. *Public hearing opened 1/2/08. First 35 days were up 2/5/08 – extension granted to 2/23/08.*

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Berkshire Shopping Center LLC – Application for Special Exception to allow retail uses generating in excess of 500 vehicle trips per day in the CG-20 Zone, “Berkshire Shopping Center”, 67 Newtown Rd. & 1 Plumtrees Rd. (#L12032 & #L12033) – SE #666. *Public hearing opened 1/16/08. First 35 days will be up 2/19/08 – extension granted to 2/21/08.*

Attorney Paul Jaber and Engineer Keith Buda spoke in favor of this. Attorney Jaber mentioned that David Hawley, whose family owns the shopping center is also present to answer questions. Attorney Jaber then reviewed the proposal saying it is for a 21,000 sq. ft. addition on the south side of the building along Plumtrees Rd. He said they propose to take down the existing building in the middle of the parking lot as well as remove some warehousing in the back of the main building. After they remove these, the net increase in space is about 6,000 sq.ft. Keith Buda then said they have submitted revised plans in response to Engineering, Highway and Planning comments. He said they also had prepared a demolition plan because after the building is taken down, the sewer & water will be relocated. He said Didona Associates had revised the landscape plan to meet the required buffer and street trees along Plumtrees Rd.. He said they also added crosswalks to the site plan and lighting plans were submitted with revised drawings. Mr. Keller asked about traffic issues through the Plumtrees Rd. access/egress and said the overall parking lot need some direction, as it tends to be a free-for-all. Mrs. Emminger said the site plan that she approved administratively dealt with much of that stuff. Mr. Buda then referred to the overall plan showing a restriping of the parking areas and the realigning of the driveways. He explained the changes to be made to warehousing areas in rear of buildings and said the plan needs correction regarding the parking calculations. He said the Highway Dept. is looking for concrete curbing and catch basin revisions, so this may be further expanded based on the traffic engineer's comments.

Attorney Jaber then said the whole shopping center is to be upgraded and remodeled with exception of WalMart. He said they had included extensive landscape islands to be installed in order to bring the site up to the current standards as much as possible. He submitted a 35 day extension letter to keep the public hearing open. Mrs. Emminger said the first round of comments were received today from the Fire Marshal and the City Traffic Engineer. She added that the Fire Marshal had requested fire lanes and hydrant information. Chairman Finaldi then

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Sugar Hollow Road Assoc. LLC – Application for Special Exception to allow uses (Retail, Restaurants & Drive-thru Bank) generating in excess of 500 vehicle trips per day in the CG-20 Zone, "The Shops at Marcus Dairy", 3 Sugar Hollow Rd. (#G17002 & #G17019) – SE #663.
Public hearing closed 1/2/08 – 65 days will be up 3/7/08.

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GRC Property Investment & Development, LLC – Request for Waiver to Sec. B.12. of the Subdivision Regulations for the Tarrywile Wood Subdivision, approved September 19, 2007 – 6 Brushy Hill Rd. & 20 Southern Blvd. (#I16238 & #I17021) – Subdivision Code #07-02. *Public hearing scheduled for March 19, 2008.*

At 9:00 PM, Mr. Urice made a motion to adjourn. Mr. Keller seconded the motion and it was passed unanimously.